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10/645,179	08/21/2003	Robert J. Torres	AUS920030293US1	7314

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EXAMINER	
BORLINGHAUS, JASON M	
ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
09/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/645,179	TORRES, ROBERT J.	
	Examiner	Art Unit	
	JASON M. BORLINGHAUS	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan (PG Pub. 2002/0147671) in view of Frank (PG Pub. 2002/0013754) and Ferguson (US Patent 6,064,984).

Regarding Claim 3, Sloan discloses a method in a data processing system for providing a financial planning tool, said method comprising:

- displaying a two-dimensional coordinate system having time (t) depicted along a first axis (x = time period) and value depicted along a second axis (y = portfolio value at time t). (see fig. 15 – 16; para. 136 – 162);
- dividing said first axis (x axis) into a plurality of time (t) periods. (see fig. 15 – 16; para. 136 – 162);

- generating a different investment plan (user portfolio) for each one of said plurality of time (t) periods. (see para. 120);
- said generating further comprising:
- for each one of said plurality of time (t) periods:
- specifying assumptions (such as compound growth factor) that affect a change in total investment value for each one of said plurality of time (t) periods. (see fig. 15 – 16; para. 136 – 162);
- generating an investment graph utilizing said two-dimensional coordinate system that depicts a total value of all investments (portfolio) held and a change of said total value during each one of said plurality of time (t) periods. (see fig. 15 – 16; para. 136 – 162); and
- graphically depicting said investment graph utilizing a graphical user interface, said graphical depiction being utilized as a financial planning tool. (see abstract; fig. 15 – 16; para. 136 – 162).

Sloan does not explicitly teach specifying a percentage allocation of all investments to be held during each one of said plurality of time periods among each type of a plurality of types of investments, although Sloan does disclose inputting an asset mix of investments. (see para. 72).

Frank discloses a method in a data processing system for providing a financial planning tool, said method comprising the step of specifying a percentage allocation of all investments to be held (a percentage amount to invest in each of the plurality of

instruments) during each one of said plurality of time periods (time horizon) among each type of a plurality of types of investments. (see para. 14).

Sloan does explicitly teach that each one of said plurality of time periods representing a discrete age bracket comprising a range of ages within a lifetime, although Sloan does disclose a plurality of time periods. (see para. 136 - 162). Time periods inherently represents a discrete age bracket (time period) within a lifetime.

Sloan does not teach specifying a life event that is assigned to each one of said plurality of time periods.

Ferguson discloses a method comprising:

- dividing said first axis (timeline) into a plurality of time periods (time periods), each one of said plurality of time periods representing a discrete age bracket (customer's age) comprising a range of ages within a lifetime. (see fig. 14; col. 2, line 45 – col. 3, line 55); and
- specifying a life event that is assigned to each one of said plurality of time periods. (see fig. 14; col. 2, line 45 – col. 3, line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan by incorporating a specification of a percentage allocation of investments to be held by the investor, as disclosed by Frank, allowing for the investor to dictate the composition of the portfolio held by said investor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan and Frank by incorporating age-based time periods and life events, as disclosed by Ferguson, allowing proper mapping of

investment decisions to investor parameters, such as age and life events, influencing said investment decisions.

Regarding Claims 4 – 10, Sloan discloses a method comprising:

- projecting (forecasting) a value of all investments (contained within the portfolio) for each one of said plurality of time (t) periods using said investment plan for each one of said plurality of time periods. (see fig. 15 – 16; para. 136 – 162);
- wherein specifying assumptions further comprises specifying assumptions regarding projected growth (compound growth factor) during each one of said plurality of time (t) periods of each type of said plurality of investments. (see fig. 15 – 16; para. 136 – 162);
- wherein specifying assumptions further comprises obtaining current market performance (changes in the values of the securities) for a set of specified investments during each one of said plurality of time (t) periods. (see fig. 15 – 16; para. 136 – 162);
- wherein specifying assumptions further comprises specifying assumptions regarding projected contributions (contributions, capital inflows) to be made during each one of said plurality of time (t) periods to each type of said plurality of investments. (see para. 126, 136; table 4);
- wherein specifying assumptions further comprises specifying assumptions regarding projected expenditures (capital outflows, withdrawals) during

each one of said plurality of time (t) periods. (see para. 126, 136; table 4); and

- projecting a value of all investments (portfolio) included in each one of said plurality of time (t) periods using said investment plan (trade, swap) specified for each one of said plurality of time (t) periods. (see 120, para. 136 – 162).

Sloan does not explicitly teach specifying said plurality of types of investments including: specifying stocks as a type of investment; specifying bonds as a type of investment; and specifying cash as a type of investment, Sloan does indicate that an investor's portfolio may include stocks and bonds. (see fig. 15; para. 69).

Frank discloses specifying said plurality of types of investments including: specifying stocks as a type of investment; specifying bonds as a type of investment; and specifying cash as a type of investment. (see fig. 1, item 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan, Frank and Ferguson by incorporating the ability to specify the types of investment, as disclosed by Frank, as specification of the types of investment is standard and conventional in determining the composition of a portfolio.

Regarding Claim 11, Sloan discloses a method further comprising:

- receiving an indication (selection) to adjust said assumptions. (see fig. 11 - 12; para. 106 - 109 - each investor submission of a proposed swap,

whether accepted or rejected by the investor, causes another iteration of the flowchart);

- calculating new assumptions. (see fig. 11 - 12; para. 106 – 109);
- determining an adjustment to said investment plan for each one of said plurality of time periods utilizing said new assumptions. (see fig. 11 - 12; para. 106 – 109);
- projecting a new value of all investments included in each one of said plurality of time periods using said adjusted investment plan specified for each one of said plurality of time periods. (see fig. 11 - 12; para. 106 – 109); and
- generating an adjusted investment graph utilizing said new value of all investments included in each one of said plurality of time periods using said adjusted investment plan specified for each one of said plurality of time periods. (see fig. 11 - 12; para. 106 – 109).

Regarding Claim 12, Sloan discloses a method further comprising:

- receiving an indication to adjust said plurality of time periods (user selected time period). (see fig. 11 – 12; para. 106 – 109, 136);
- determining an adjustment to said investment plan (swap) for each one of said adjusted plurality of time periods. (see fig. 11 – 12; para. 106 – 109);
- projecting a new value (impact analysis) of all investments (portfolio) included in each one of said adjusted plurality of time periods using said

adjusted investment plan (swap) specified for each one of said adjusted plurality of time periods. (see fig. 11 – 12; para. 106 – 109); and

- generating an adjusted investment graph utilizing said new value of all investments (portfolio) included in each one of said plurality of adjusted time periods using said adjusted investment plan specified for each one of said adjusted plurality of time periods. (see fig. 11 – 12; para. 106 – 109).

Regarding Claim 13, Sloan discloses a method further comprising:

- receiving an indication to adjust said portfolio. (see fig. 11 – 12; para. 106 – 109);
- determining an adjustment to said investment plan for each one of said plurality of time periods utilizing said adjusted portfolio. (see fig. 11 – 12; para. 106 – 109);
- projecting a new value of all investments included in each one of said plurality of time periods using said adjusted investment plan specified for each one of said plurality of time periods. (see fig. 11 – 12; para. 106 – 109); and
- generating an adjusted investment graph utilizing said new value of all investments included in each one of said plurality of time periods using said adjusted investment plan specified for each one of said plurality of time periods. (see fig. 11 – 12; para. 106 – 109).

Sloan does not explicitly teach an indication to adjust said percentage allocation, although Sloan does disclose indicating a security to remove from the portfolio which

would result in an adjustment to the percentage allocation of asset's within the portfolio. (see fig. 12, item 384).

Frank discloses a method in which an indication is submitted to adjust said allocation percentage among a variety of investments. (see para. 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan, Frank and Ferguson by incorporating a specification of a percentage allocation of investments to be held by the investor, as disclosed by Frank, allowing for the investor to dictate the composition of the portfolio held by said investor.

Regarding Claim 14, Sloan discloses a method further comprising:

- receiving an indication to add a time period (user selected time period). (see fig. 15 – 16; para. 136 – 162);
- determining an adjustment to said plurality of time periods and adding said time period to said adjusted plurality of time periods. (see fig. 15 – 16; para. 136 – 162);
- projecting a new value of all investments included in each one of said adjusted plurality of time periods. (see fig. 15 – 16; para. 136 – 162); and
- generating an adjusted investment graph utilizing said adjusted plurality of time periods (see fig. 15 – 16; para. 136 – 162).

Sloan does not teach a method comprising receiving an indication to add an additional time period, the additional time period representing a discrete age bracket comprising a range of ages within a lifetime.

Ferguson discloses a method comprising receiving an indication to add an additional time period, the additional time period representing a discrete age bracket comprising a range of ages within a lifetime. (see col. 7, lines 33 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan, Frank and Ferguson by incorporating an extendable timeline, as disclosed by Ferguson, allowing for the timeline to accommodate the needs of the user.

Regarding Claim 15, Sloan discloses a method further comprising:

- receiving an indication to add an investment plan (swap) for one of said plurality of time periods. (see fig. 11 – 12; para. 106 – 109).
- specifying a new investment plan including:
- specifying assumptions that affect a change in total investment value for said one of said plurality of time periods. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162); and
- specifying a portfolio of all investments to be held during said one of said plurality of time periods among each type of said plurality of investments. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162);
- projecting a value of all investments included in said one of said plurality of time periods using said new investment plan. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162); and
- generating an adjusted investment graph utilizing said new value of all investments included in said one of said plurality of time periods using

said new investment plan. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162).

Sloan does not explicitly teach a method wherein an investor specifies a percentage allocation of all investments, although Sloan does disclose indicating a security to remove from the portfolio which would result in an adjustment to the percentage allocation of asset's within the portfolio. (see fig. 12, item 384).

Frank discloses a method wherein an investor specifies a percentage allocation of all investments. (see para. 14).

Ferguson discloses a method comprising specifying a life event that is assigned to each one of said plurality of time periods. (see fig. 14; col. 2, line 45 – col. 3, line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan, Frank and Ferguson by incorporating a specification of a percentage allocation of investments to be held by the investor, as disclosed by Frank, allowing for the investor to dictate the composition of the portfolio held by said investor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sloan, Frank and Ferguson by incorporating age-based time periods and life events, as disclosed by Ferguson, allowing proper mapping of investment decisions to investor parameters, such as age and life events, influencing said investment decisions

Regarding Claim 16, Sloan discloses a method further comprising:

- receiving an indication to display an investment graph. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162);
- retrieving a plurality of time periods for said investment graph. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162);
- retrieving a different investment plan for each one of said plurality of time periods. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162);
- projecting a value of all investments for each one of said plurality of time periods using said investment plan for each one of said plurality of time periods. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162); and
- generating an investment graph utilizing said value of all investments included in each one of said plurality of time periods using said investment plan specified for each one of said plurality of time periods. (see fig. 11 – 12, 15 - 16; para. 106 – 109, 136 - 162).

Sloan does not explicitly teach a method wherein a second investment graph methodology is performed, although Sloan does disclose that the methodology is performed iteratively. (see fig. 12).

Regardless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the combination of Sloan, Frank and Ferguson to repeat the methodology, since it has been held that mere duplication of the essential working parts of a device, without more, involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co, 193 USPQ 8 (CA 7); In re Harza, 124 USPQ 378 (CCPA 1960).*

Regarding Claims 17 – 44, such claims recite substantially similar limitations as those claimed in previously rejected claims and, therefore, would have been obvious based upon previously rejected claims. Such substantially similar claim limitations are therefore rejected using the same art and rationale as previously utilized. Applicant is reminded that any argument contrary to such an interpretation is an indication of patentably distinct subject matter that may warrant a restriction requirement.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. BORLINGHAUS whose telephone number is (571)272-6924. The examiner can normally be reached on Monday - Friday; 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/Jason M Borlinghaus/
Examiner, Art Unit 3693

August 30, 2008